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MAY-06-2004 15:05

CONNOLLY BOVE LODGE & HUTZ

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P.01/05

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FAX TRANSMISSION**DATE:** May 6, 2004**PTO IDENTIFIER:** Application Number 09/811,538-Conf. #9053
Patent Number**Inventor:** Mary A. Reppy et al.**MESSAGE TO:** US Patent and Trademark Office Box Issue Fee**FAX NUMBER:** (703) 746-4000**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Burton A. Amernick

PHONE: (202) 331-7111**Attorney Dkt. #:** 22001-00005-US**PAGES (Including Cover Sheet):** 5**CONTENTS:** Application For Patent Term Adjustment Under 35 USC 154(b) and 37 CFR 1.702-37 CFR 1.705
SB/17 Fee transmittal
Certificate of Transmission under 37 CFR 1.8 (1 page).
D.A. auth: \$200 filing an application for patent term adjustment

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PTO/SB/97 (12-97)

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Application For Patent Term Adjustment Under 35 USC 154(b) and 37 CFR 1.702-37 CFR 1.705

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MAY-06-2004 15:06

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P.03/05

PTO/SB/17 (10-03)

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| FEE TRANSMITTAL for FY 2004 <small>Effective 10/01/2003, Patent fees are subject to annual revision.</small> | | Complete if Known | |
|---|--|-----------------------------|------------------------|
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Application Number | 09/811,538-Conf. #9053 |
| TOTAL AMOUNT OF PAYMENT (\$) | | Filing Date | March 20, 2001 |
| 200.00 | | First Named Inventor | Mary A. Reppy |
| | | Examiner Name | M. Tran |
| | | Art Unit | 1639 |
| | | Attorney Docket No. | 22001-00005-US |
| METHOD OF PAYMENT (check all that apply) | | FEE CALCULATION (continued) | |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None | | 3. ADDITIONAL FEES | |
| <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 22-0185 Deposit Account Name: Connolly Bove Lodge & Hutz LLP | | Large Entity Small Entity | |
| The Director is authorized to: (check all that apply) | | Fee Code Fee (\$) | |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments | | Fee Code Fee (\$) | |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) | | Fee Description | |
| <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. | | Fee Paid | |
| FEE CALCULATION | | | |
| 1. BASIC FILING FEE | | | |
| Large Entity Small Entity | | | |
| Fee Code Fee (\$) | | Fee Code Fee (\$) | |
| 1001 770 2001 385 Utility filing fee | | | |
| 1002 340 2002 170 Design filing fee | | | |
| 1003 530 2003 265 Plant filing fee | | | |
| 1004 770 2004 385 Release filing fee | | | |
| 1005 180 2005 80 Provisional filing fee | | | |
| SUBTOTAL (1) (\$) | | 0.00 | |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | | | |
| Total Claims -20** = | | Extra Claims Fee from below | |
| Independent Claims -3** = | | Fee Paid | |
| Multiple Dependent | | | |
| Large Entity Small Entity | | | |
| Fee Code Fee (\$) | | Fee Code Fee (\$) | |
| 1202 18 2202 9 Claims in excess of 20 | | | |
| 1201 86 2201 43 Independent claims in excess of 3 | | | |
| 1203 290 2203 145 Multiple dependent claim, if not paid | | | |
| 1204 86 2204 43 ** Reissue independent claims over original patent | | | |
| 1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent | | | |
| SUBTOTAL (2) (\$) | | 0.00 | |
| **or number previously paid, if greater; For Releases, see above | | | |
| SUBMITTED BY | | (Complete if applicable) | |
| Name (Print/Type) Burton A. Amernick | | Registration No. 24,852 | |
| Signature | | Telephone (202) 331-7111 | |
| | | Date 5-6-04 | |



MAY-06-2004 15:06

CONNOLLY BOVE LODGE & HUTZ

2022936229 P.04/05

Docket No.: 22001-00005-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mary A. Reppy et al.

Allowed: March 4, 2004

Application No.: 09/811,538

Confirmation No.: 9053

Filed: March 20, 2001

Art Unit: 1639

For: METHOD FOR DETECTING AN
ANALYTE BY FLUORESCENCE

Examiner: M. Tran

**APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 35 USC 154(B) AND 37 CFR 1.702-37 CFR 1.705**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is hereby requested that the patent term of the above identified application be adjusted by adding at least 147 days to the term.

Statement of Facts

1) The correct patent term adjustment, assuming the patent issues on the date that is 28 weeks after the date of the Notice of Issue Fee (i.e. September 14, 2004) as projected in the Form PTOL-85 attached to the Issue Fee Notification, would be 147 days since the patent would not issue within the three years of the actual filing of the application which was March 20, 2001.

2) The relevant dates as specified in 37 CFR 1.703(a) through (e) for which an adjustment is sought are as follows:

Pursuant to 37 CFR 1.703(e), the three year date for issuance of the patent could be March 20, 2004. However, the patent is not scheduled to issue until September 14, 2004, which is 178 days beyond the 3 years from the actual filing date of March 20, 2001.

3) The patent is not subject to any terminal disclaimer.

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4) Pursuant to 37 CFR 1.704, applicants filed a Notice of Appeal on January 6, 2004 with one month extension, the original due date being December 6, 2003.

5) Therefore, the patent term adjustment being requested is 178 days minus 31 days pursuant to 37 CFR 1.704 for a total of 147 days.

Dated: 5-6-04

Respectfully submitted,

By 

Burton A. Amernick

Registration No.: 24,852

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